

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21-20548

Hon. Judith E. Levy

Mag. Judge Elizabeth A. Stafford

v.

PHILLIP CAPE,

Defendant.

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**NOTICE TO APPEAR/SCHEDULING ORDER**

- MOTIONS DUE BY: Within twenty (20) days of the date of arraignment.

The defendant is hereby notified to appear before the Judith E. Levy, United States District Judge, at 200 East Liberty Street, Ann Arbor, MI 48104 for the following proceedings:

- PLEA HEARING/CUT-OFF: October 12, 2021 at 10:30 a.m.
- FINAL PRETRIAL CONFERENCE: October 12, 2021 at 10:30 a.m.
- JURY TRIAL: October 25, 2021 at 8:30 a.m.

Pursuant to the Due Process Protections Act, the court reminds the government of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. Failure to comply with *Brady* and to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

SO ORDERED.

Date: September 2, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 2, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager